

Remarks

Claims 1, 2, 4, 9, 14, 16, 24, 25, 28, 30, 31, 33, 35 and 40-43 were pending.

Claims 44-49 are added.

Claims 1, 2, 4, 9, 14, 16, 24, 25, 28, 30, 31, 33, 35 and 40-49 will be pending upon entry of this amendment.

Support for new claims 44-49 are found in Examples 2-11 on page 30 of the specification. Support for "alkali metal sulfates" of claims 46 and 48 is found in claim 1.

No new matter is added.

The present claims are rejected under 35 USC 103(a) as being unpatentable over Kvita, et al, U.S. Pat. No. 6,291,412 in view of Willey, et al., U.S. Pat. No. 6,407,049 or Kitko, et al., U.S. 2003/0232734.

Applicants respectfully rebut these rejections.

Kvita is cited as teaching water soluble granules of phthalocyanine compounds also comprising an anionic dispersing agent or a water soluble organic polymer.

Kvita does not teach phthalocyanine granules containing an inorganic salt and/or a low molecular weight organic acid or salt thereof.

Willey is cited as teaching laundry detergent granules containing inert salts (filler salts), col. 28, line 53 to col. 29 line 7.

Kitko is cited as teaching detergent compositions which additionally contain adjunct components. The adjunct materials include fillers, soil suspension agents, etc., para. 80. An adjunct material may be a salt, para. 94. Kitko is also cited as teaching soil suspension agents which may be derived from acrylic acid, para. 96.

It is the Examiner's position that the secondary references Willey and Kitko teach using inorganic salts and/or low molecular weight organic acids or salts thereof to enhance the solubility of the granules.

However, Willey discloses the salts as "inert salts" or "filler salts", col. 28, line 53. It is stated in col. 28, starting on line 53 that the salts "can be any water-soluble inorganic or organic salt or mixtures of such salts which do not destabilize any surfactant present." There is no specific teaching or motivation to employ a salt to achieve a certain desired effect or property.

It is the Examiner's position that "it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use an alkali metal carbonate or citrate in the granule taught by Kvita et al. with a reasonable expectation of success, because Willey et al. teach the use of alkali metal carbonates or citrates as filler salt material in a similar granular composition and further, filler salts are conventionally used in granulate compositions to provide increased substance and enhanced solubility to the granule and are notoriously well known to those of ordinary skill in the art."

The Examiner's position appears to be based on hindsight. There is no clear teaching or motivation in Willey to use a filler salt for enhancing solubility of the granules. Fillers are used for adjusting the concentration of an active ingredient in a specific amount of granules. In the absence of any clear teaching that a filler salt would enhance the solubility of the granules, the combination of Willey and Kvita would not lead one skilled in the art to arrive at the present invention.

Kitko discloses detergent compositions and the incorporation of moisture sensitive components, para. 2. These compositions additionally contain adjunct components, such as fillers, para. 80. In Kitko the effect of an adjunct is given in para. 94: "A preferred adjunct component is a salt. Preferably, the detergent composition comprises one or more salts. The salts can act as alkalinity agents, buffers, builders, co-builders, encrustation inhibitors, fillers, pH regulators, stability agents, and combinations thereof. Typically, the detergent composition comprises (by weight of the composition) from 5% to 60% salt. Preferred salts are alkali metal salts of aluminate, carbonate, chloride, bicarbonate, nitrate, phosphate, silicate, sulphate, and combinations thereof. Other preferred salts are alkaline earth metal salts of aluminate, carbonate, chloride, bicarbonate, nitrate, phosphate, silicate, sulphate, and combinations thereof. Especially preferred salts are sodium

sulphate, sodium carbonate, sodium bicarbonate, sodium silicate, sodium sulphate, and combinations thereof. Optionally, the alkali metal salts and/or alkaline earth metal salts may be anhydrous."

Again, Kitko provides no clear teaching or motivation to employ any salt for enhancing solubility to granules.

Applicants submit that the Examiner's assertion of a "reasonable expectation of success" in arriving at the present invention based on the combined disclosures of the cited art is hindsight analysis.

The outstanding success of the present invention is discussed and demonstrated in the Menge Declaration enclosed with the Amendment filed February 5, 2008.

Formulations A-F were prepared.

Formulation A is of the closest prior art, Example 10 of Kvita.

Formulations B-E are of the present invention.

Formulation F is as present Example 11 with no dispersing agent or polymer.

The formulations are tested for two important properties: rate of dissolution in water and solubility in a liquid nonionic surfactant.

Formulations B-E show better solubility in water than prior art formulation A. This provides for a lower risk of spotting laundry. Un-dissolved colored photoactivators may cause spotting.

Formulation B is comparable to Formulation A relative to solubility in a nonionic surfactant. Formulation F, with no dispersing agent, shows much greater solubility in a nonionic surfactant. This is a measure of storage stability of the granules in the final detergent powder product. The less soluble in a nonionic surfactant, the greater the storage stability.

Thus, the present granules are superior to granules that do not contain the present inorganic salt or organic acid or salt thereof, and are superior to granules that do not contain the present

dispersing agent or polymer. As stated in the Menge Declaration, the present improvement attainable with respect to the degree of the rate of dissolving of granules in water while at the same time maintaining stability in nonionic surfactants at high salt levels of the granule could not have been foreseen. The results are surprising and could not have been expected in light of the cited art.

Applicants point out that new claims 44-49 are now aimed more directly at the components employed in the Menge Declaration. The Declaration is commensurate with the scope of new claims 44-49.

Applicants note that the Examiner is of the position that Formulation B is only marginally better than Formulation A regarding solubility in a nonionic surfactant. Applicants did not argue that B is better than A for solubility in a nonionic surfactant. Applicants point out that B outperforms Formulation F in this regard.

In view of this discussion, Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



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Attachment: Petition for a 1 month extension of time

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